RESPONSIVENESS SUMMARY

HOLLY STREET LANDFILL
Bellingham, Washington

REMEDIAL DESIGN DOCUMENTS

September, 2004

ISSUED BY:

WASHINGTON STATE DEPARTMENT OF ECOLOGY

TOXICS CLEANUP PROGRAM

Introduction

On March 1, 2004 the draft final remedial design documents (Design Analysis Report, Construction Quality Assurance Plan, and design plans and specifications) for the Holly Street Landfill site in Bellingham were issued for a 30-day public comment period. Public involvement activities related to this public comment period included:

- Distribution of a fact sheet describing the site and the documents through a mailing to over 700 people, including neighboring businesses and other interested parties;
- Publication of a paid display ad in *The Bellingham Herald* on February 29, 2004*;*
- Publication of notice in the Washington State Site Register, dated February 25, 2004;
- Posting of the documents on the Ecology web site; and
- Providing copies of the documents through information repositories at Ecology's Bellingham Field Office and Northwest Regional Office, and the Bellingham Public Library – Downtown Branch.

A total of seven (7) comment forms, letters, or e-mails were received regarding the Draft Final Remedial Design documents, as follows:

1. **Douglas** (comment form)
2. **Carpenter** (comment form)
3. **Olsen** (e-mail)
4. **McClintock** (letter and attachment)
5. **Washington Department of Fish and Wildlife** (WDFW; Williams; letter)
6. **Lummi Nation Tribal Historic Preservation Office** (Blum; e-mail); and
7. **RE Sources** (Steffensen; e-mail)

Based upon the public comment, several minor revisions were made to the documents prior to finalization. Cleanup is targeted to begin in September 2004.

All comments received are summarized below along with Ecology's responses to each comment. Copies of the comment letters are attached.

Background

The Holly Street Landfill site is a 13-acre historic solid waste landfill located in the Old Town district of Bellingham. In the late 1800s, the site was part of the original Whatcom Creek estuary and mudflat. Around 1905, private property owners began filling portions of the site with dredge spoils and other materials to increase useable upland areas. From 1937 to 1953, municipal waste was used by owners to fill private tidelands within the former Whatcom Creek estuary. Wastes disposed at the site included debris and scrap materials, consistent with landfill disposal practices of the time.

The solid waste covers approximately 9.1 acres on the northwest side of Whatcom Creek and 3.8 acres on the southeast side (Maritime Heritage Park). The City of Bellingham (City) currently owns 8.3 acres of the 13-acre landfill site, including all landfill properties located along the Whatcom Creek shoreline. Various private property owners own the remainder of the site.

Cleanup

The Holly Street Landfill site is subject to the investigation and cleanup requirements of the Washington State Model Toxics Control Act (MTCA; Chapter 173-340 WAC), administered by the Washington State Department of Ecology (Ecology). Under legal agreement between Ecology, the City, and other property owners at the site the nature and extent of contamination has been defined, a range of feasible alternatives evaluated, and a cleanup alternative selected.

The cleanup alternative selected by Ecology, following public review, addresses the physical presence of solid waste, methane production, as well as impacts to Whatcom Creek. The cleanup includes excavation of refuse along the northern shoreline of Whatcom Creek coupled with construction of an engineered cap, and placement of material along the southern shoreline to stabilize the bank. The cleanup also includes long term protection through legal restrictions on property use and monitoring of the cleanup action. The northern shoreline excavation and cap system is expected to control current releases of copper and zinc to Whatcom Creek that occur when estuary water mixes with the solid waste in the bank.

Excavation for the project will remove approximately 12,400 tons of solid waste, primarily from the northern bank prior to constructing the cap with clean materials. The excavated materials will be transported and disposed of at a permitted, off-site landfill. Excavation activities will utilize techniques and equipment to minimize potential construction-related water quality impacts.

The cleanup is being conducted under a legal agreement (Consent Decree) between Ecology and all the property owners at the site. The City of Bellingham is implementing the construction and monitoring elements of the cleanup, and all property owners are placing deed restrictions on their property.

Habitat Restoration and Public Access

Consistent with the Bellingham Bay Comprehensive Strategy finalized in 2000, the cleanup also restores historically lost habitat at the mouth of Whatcom Creek. The project will convert approximately 0.3 acres from upland to intertidal elevations, create side channel habitat, provide placement of large woody debris, remove invasive vegetation and re-introduce native plants. In conjunction with cleanup activities the City is constructing a boardwalk and viewpoints/overlooks along the estuary to improve public access to the shoreline.

Comments Received and Ecology Responses

Comment #1 - Douglas (comment form)

> **Comment Summary:** Leave the landfill alone – let it be and save government dollars.

Response: *Contaminants found at the Holly Street Landfill site pose a potential threat to human health and the environment through two main exposure pathways: direct human contact with solid waste and soils, and exposure of aquatic life to zinc and copper leaching into Whatcom Creek. Under the Model Toxics Control Act Cleanup Regulation (WAC 173-340) theses potential threats must be addressed.*

The cleanup remedy selected by the Department of Ecology (Ecology), after public notice and opportunity to comment, considered cost-effectiveness of alternative actions. In addition, the City of Bellingham is receiving grants from various state and federal agencies to complete both the remedial and development aspects of the project.

Comment #2 - Carpenter (comment form)

Comment Summary: Information on the remediation should be posted graphically in an on-site public area during construction.

Response: *Signs and other graphical information will be provided on-site before, during and following construction.*

Comment #3 - Olsen (e-mail)

Comment Summary: Support project, including boardwalk connection with other trails and greenways.

Response: *Comment noted. The City has developed a project approach that efficiently and effectively blends multiple objectives into a single project effort, consistent with the Bellingham Bay Comprehensive Strategy finalized in 2000.*

Comment #4 - McClintock (letter and attachment)

Comment Summary: Support project, and urge that the current RE Store building be removed and the entire site be allocated to open space and riparian habitat.

Response: *Removal of the Re Store building and conversion of this area to open space/riparian habitat is a zoning and property owner issue. As the owners of the Re Store property, the City could pursue this course of action as long as measures are taken to continue the protection of human health and the environment.*

Note that, consistent with the Bellingham Bay Comprehensive Strategy finalized in 2000, the cleanup also restores historically lost habitat in the Re Store area. The cleanup will convert approximately 0.3 acres from upland to intertidal elevations, create side channel habitat, provide placement of large woody debris, remove invasive vegetation and re-introduce native plants.

Comment #5 - Washington Department of Fish and Wildlife (WDFW; Williams; letter)

Comment Summary: Support project, and recommended 33 standard and project-specific conditions for construction of the project.

Response: *The 33 standard and project-specific recommendations for construction of the Holly Street project have been generally incorporated into the final project plans and specifications, and have been provided to the contractor. Note that a separate Hydraulic Project Approval (HPA) has been issued by WDFW for the boardwalk portion of the Holly Street project.*

Comment #6 - Lummi Nation Tribal Historic Preservation Office (Blum; e-mail)

Comment Summary: The Lummi Nation Tribal Historic Preservation Office will review the project under Section 106 of the National Historic Preservation Act (NHPA) and other applicable historic preservation laws.

Response: *Lummi Nation review of the project has occurred under Section 106 of the NHPA. Moreover, the City and Ecology proactively sought Lummi Nation review and comment prior to initiation of the formal Corps of Engineers permitting/106 consultation process. As a result of these coordination/consultation efforts it has been determined that cultural resources exist in the project area. Therefore, the City has retained the services of a professional archaeologist for monitoring construction excavation activities as described in a monitoring plan developed by the City and approved by the Corps of Engineers during the Section 106 review process.*

Comment #7 - RE Sources (Steffensen; e-mail)

Comment Summary: Concerned that the habitat restoration element of the project may not be implemented. Habitat improvements should be prioritized over public access boardwalk components. Best Management Practices should be in place prior to initiation of construction monitoring. Question regarding fine-grained substrate. Concern expressed about proliferation of invasive plant species, especially Japanese knotweed.

Response: *The City is implementing the habitat restoration element of the project in conjunction with the cleanup and public access elements.*

Construction practices including limiting placement/removal of the north bank materials to low-tide "in the dry" conditions, coupled with the concern that installation and maintenance of silt curtains in a near-shore tidal area would cause more turbidity than the construction activities themselves, have led to an adaptive management approach to addressing potential turbidity issues. Also see Comment #5 above.

The north bank slope softening will facilitate incorporation and retention of naturally occurring fine-grained substrate.

The surface portions of invasive plant species, including Japanese knotweed, will be removed by hand and properly disposed of prior to earthwork activities. Subsurface portions impacted by excavation activities will be removed and properly disposed.

PUBLIC COMMENTS